

The opinion in support of the decision being entered  
today is not binding precedent of the Board

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Paper No. **13**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

OSIRIS THERAPEUTICS, INC  
Junior Party,  
(Patent 6,030,836),

v.

CASE WESTERN RESERVE UNIVERSITY  
Senior Party,  
(Application 09/321,655).

Patent Interference No. 105,197

Before LANE, MEDLEY, and TIERNEY Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT -- NO INTERFERENCE-IN-FACT**

Upon consideration of the record, it is

**ORDERED** that in view of the three-judge merits panel decision (Paper 22) that there is no interference-in-fact, final judgment is entered that there is no interference-in-fact between (1) Osiris Therapeutics, Inc. claims 1-3, 8, 12 and 13, and (2) Case Western Reserve University claims 2-5;

**FAXED**

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**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**



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